

728A Kupulau Drive
Kihei HI 968753

October 6, 2008

U.S. Environmental Protection Agency
Ground Water Office (WTR-9)
75 Hawthorne Street
San Francisco, CA 94105

ATTN: Nancy Rumrill

RE: Public Comments on Lahaina, HI WWRF UIC Permit Number HI50710003

Dear Ms Rumrill:

1. **The public comment period for this permit should be extended to allow the public a full 30 days to review the materials including the permit application.** The permit application was not made widely available to the public. While the public notice, statement of basis, and draft permit were made available via internet in electronic format, only one copy of the permit application was provided. This copy was not available to some members of the public when they requested it. There is no way the public can tell if the permit is adequate if they did not have the opportunity to see application data on geology, potentially impacted water resources and the physical, chemical, biological, and radiological characteristics of the injected water.
2. **The permit does not adequately protect underground sources of water supply.** The UIC program is designed to protect underground sources of water supply, which is defined as waters less than 10,000 parts per million of total dissolved solids. However projects approved in the area (for instance Starwood Lot # 3) plan to use shallow sources of groundwater with concentrations as high as 34,000 parts per million as a drinking water source to be treated with reverse osmosis. The shallow groundwater sources are in the vicinity of the sewage injection wells. Will this water supply be protected by the Safe Drinking Water Act and the UIC permit? Will users incur additional treatment costs to remove pollutants associated with sewage? Will the reverse osmosis rejectate (waste stream) be concentrating pollutants from sewage contaminated groundwater and then reinjecting it into the groundwater?
3. **The permit does not adequately protect aquatic life, wildlife and recreational users.** The UIC permit program does not address impacts to these protected uses of the coastal waters that are receptors for the pollutants in the injected sewage effluent. The concentrations allowed to be injected may exceed state water quality criteria protecting these uses. The injected effluent presents a reasonable potential to cause or contribute to documented exceedances of the state water quality criteria and impairment of uses.
4. **NPDES permit should be required in addition to a UIC permit** Underground Injection Control permits are issued under the authority of the Safe Drinking Water Act. The shallow groundwaters into which the wastes are injected are connected to surface water, therefore the discharge of pollutants from a point source to waters of the US is occurring and requires regulation under the Clean Water Act. Detrimental environmental impacts to surface waters including exceedance of state water quality standards, and presence of invasive algal blooms that are fed by materials linked to the injected sewage effluent have been observed and documented with scientific evidence. A National Pollutant Discharge Elimination System permit under the Clean Water Act should be required in addition to the UIC permit. If the effluent were regulated under a Clean Water Act permit it would be required to include limits to prevent impacts to receiving waters (water quality-based limits). The SDWA and UIC permit do not include these requirements that are necessary to protect water quality.

5. **The pollutant load (lbs /day) from the treatment plant should not exceed levels allocated in the Total Maximum Daily Load (TMDL) calculations for coastal waters in the vicinity of the treatment plant.** The Hawaii Department of Health has reported to EPA in the 2006 State of Hawaii Water Quality Monitoring and Assessment report: Integrated Report to the U.S. Environmental Protection Agency and the U.S. Congress Pursuant to Sections §303(D) and §305(B), Clean Water Act (P.L. 97-117) that water quality in several coastal segments in the vicinity of the treatment plant, injection wells, and injectate plume are not meeting state water quality standards. The impairments listed include not meeting standards for Total Nitrogen (Honokowai Point to Kaanapali), Total P and turbidity (Honokowai Beach Park), and turbidity at Kahekili Park. TMDLS are currently required for these segments and are listed as a medium priority in the state TMDL program. The UIC permit and/or NPDES permit should include reopener clauses to include these allocations and water quality-based limitations when the TMDLS are completed EPA should raise the priority of the TMDLS for these segments and provide adequate funding for TMDL studies.
6. **EPA should hold both a public information meeting and a public hearing on the UIC permit to address these issues.** The public hearing should address the conditions of the UIC permit. The information meeting should provide opportunity for EPA to explain how it will address the water quality issues through UIC permits or other regulatory and management actions such as Clean Water Act programs.

Sincerely,

Robin S. Knox